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APR 16 2003

April 16, 2003

Federal Communications Commission
Office of Secretary

Ms Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S W
Washington, D C 20554

ORIGINAL

Re **MB** Docket No 02-277, MM Docket No 01-235, MM
Docket No 01-317, MM Docket No 00-244

Dear Ms Dortch

On February 27, 2003, the Commission held a field hearing on broadcast ownership rules in Richmond, VA. One of the witnesses, Chris Powell, Managing Editor of the Manchester (CT) Journal Inquirer, expressed the view that Tribune Company has monopolized the news media in Connecticut. This notion is baseless and must be viewed in the context of Mr. Powell's history of charging The Hartford Courant, a Tribune newspaper, with illegal business practices. These claims from a long-time competitor of The Courant have been consistently rejected by state and federal government agencies and state courts.

When The Courant purchased a group of alternative weekly newspapers in 1999, the Journal Inquirer publisher asked Connecticut's attorney general to block the acquisition as an antitrust violation. The attorney general declined to do so.

The next year, Mr. Powell's publisher wrote again to the state attorney general and to the U.S. Department of Justice, asking them to block the merger of Tribune Co. and Times Mirror Co., alleging that it violated antitrust laws. Neither the Connecticut Attorney General nor the United States Department of Justice opposed the merger.

Starting in 2000, Mr. Powell's company complained to the state attorney general that The Courant was illegally blocking it from buying Sunday comics for its Saturday newspaper. When the attorney general again did not find any basis for action, the newspaper took its argument to a sequence of state courts. In September 2002, the Connecticut Supreme Court ruled in The Courant's favor, finding no violation of fair trade practices or antitrust law.

Immediately after his Supreme Court defeat, Mr. Powell persisted in his criticism. He was reported by the Connecticut Law Tribune as saying, "The Courant has a long history of what I'd call antitrust law violations doing things that diminish competition." His opinion, however, has been found repeatedly to be without legal merit and is not supported by the facts.

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While Mr Powell describes anti-competitive effects from Tribune acquisitions in Connecticut, the opposite is true. The alternative weekly newspapers owned by Tribune are decidedly more independent than before, regularly criticizing Tribune and The Courant, while praising Mr. Powell's newspaper for opposing "the corporate takeover of Connecticut's media."

Contrary to Mr. Powell's assertion that Tribune seeks to control same-market television stations and newspapers "to coordinate their operations, in deliberate violation of the cross-ownership rule but in anticipation of the rule's repeal," Tribune operates within the rules of the Commission. Tribune was granted a "failing station" waiver for operation of WTXN and WTIC in Hartford' and has pending before the Commission a newspaper-television waiver request.'

The quality of news and public service broadcasting on Tribune's Hartford television stations has increased as a result of content from The Hartford Courant as documented by Tribune in its waiver request and in its filings in the above-captioned proceedings.³ The news report of The Hartford Courant has been broadened by content from the TV stations' photographers and reporters. The quality and quantity of news and information available to Connecticut citizens have increased.

The February 27 FCC hearing at which Mr Powell criticized Tribune and The Courant was the subject of a complete news report the next day in The Courant, which gave prominent attention to Mr. Powell's views. Mr. Powell's newspaper waited two days before bringing its readers an account of the hearing.

Mr. Powell's charges are without any support, legal or factual, and do not accurately reflect the level of competition and diversity among the media in Connecticut.

Sincerely,


Shaun Sheehan

cc: Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Commissioner Jonathan Adelstein
Kenneth Ferree, Chief of the Media Bureau

¹ *Counterpoint Communications, Znc.*, 16FCC Rcd 15044 (2001).

² See also Request for Waiver, BTCCT-19991116AJW, Facility ID No. 14050, filed August 6, 2002.

³ See Comments of Tribune Company, filed January 3, 2003; Reply Comments of Tribune Company, filed February 2, 2003.



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